

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DAVID A. SPEER,)
)
Plaintiff,)
)
v.) 1:18CV276
)
ANDREW SAUL,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

On August 27, 2019, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Plaintiff filed objections (Doc. 22) within the time limit prescribed by Section 636, and the Commissioner has filed a response (Doc. 23).

The court has reviewed Plaintiff's objections and the Commissioner's response *de novo* and finds that they do not change the substance of the United States Magistrate Judge's Recommendation (Doc. 20), which is affirmed and adopted.

The court notes that the required analysis of the evidence must be properly undertaken and explained by the ALJ in the first instance, and an immediate award of benefits is not appropriate here. See, e.g., Radford v. Colvin, 734 F.3d 288, 295 (4th Cir. 2013) (holding that the "district court abused its discretion in directing an award of benefits rather than remanding for further explanation by the ALJ.").

IT IS THEREFORE ORDERED that the Commissioner's decision finding no disability is REVERSED, and that the matter is REMANDED to the Commissioner under sentence four of 42 U.S.C. § 405(g). The Commissioner is directed to remand the matter to the ALJ for proceedings consistent with this Recommendation. To this extent, Defendant's Motion for Judgment on the Pleadings (Doc. 15) is DENIED, and Plaintiff's Motion for a Judgment Reversing or Modifying the Decision of the Commissioner of Social Security or Remanding the Cause for a Rehearing (Doc. 10) is GRANTED. However, to the extent that Plaintiff's Motion seeks an immediate award of benefits, it is DENIED.

/s/ Thomas D. Schroeder
United States District Judge

September 26, 2019